

# EXHIBIT 2

**Edward Hiney  
September 28, 2017**

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1                   UNITED STATES DISTRICT COURT  
2                   DISTRICT OF MASSACHUSETTS

3                   C.A. No. 3:16-CV-30142-MGM

4                   JUNIOR WILLIAMS                 :  
5    Plaintiff,         :  
6                   VS                                 :  
7    :  
8                   KAWASAKI MOTORS CORP., U.S.A.,         :  
9                   KAWASAKI HEAVY INDUSTRIES, LTD,         :  
10                  AND SPRINGFIELD MOTOR SPORTS, LLC         :  
11    :  
12    Defendants.         :  
13    :  
14    DEPOSITION OF: OFFICER EDWARD HINEY  
15    CATUOGNO COURT REPORTING  
16    One Monarch Place, Suite 600  
17    1414 Main Street  
18    Springfield, Massachusetts 01144  
19    September 28, 2017  
20    (10:27 a.m. - 1:49 p.m.)  
21    :  
22    :  
23    Amy J. Spangler  
24    Court Reporter

**CATUOGNO COURT REPORTING & STENTEL TRANSCRIPTIONS  
Springfield, MA Worcester, MA Boston, MA Providence, RI**

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1           **true without measuring it?**

2           A.     Approximately that, yes.

3           Q.     **So you measured to what point on the arrow?**

4           A.     The beginning of the arrow, the bottom part  
5           of the arrow.

6           Q.     **Okay. So the arrow --**

7           A.     Depending on where I measured it from, I  
8           mean, it could have been anywhere from 130 to 135  
9           feet depending on where I did the --

10          Q.     **As you sit here today, do you remember if  
11           you measured -- it looks from your drawing like you  
12           measured to the bottom of the arrow.**

13          A.     Correct. That's what it looks like to me.  
14          I don't have a direct recollection, but the diagram  
15          is depicting towards the bottom of the arrow.

16          Q.     **All right. So then on the right-hand side  
17           of Page 21 of Exhibit 31, we have 1 second, 1.5  
18           second, 59.090, and then we have 86.665. Can you  
19           just tell us what was that meant to indicate?**

20          A.     The 1. -- 1 to 1 and a half seconds was  
21          essentially how long it took from me watching the  
22          video and on the time lapse how long it took the  
23          motorcycle to go from the crosswalk to the first  
24          painted arrow.

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1           **Q. I see. And 59.090 what is that?**

2           **A. It's labeled as miles per hour, but I think**  
3           **that's been mislabeled.**

4           **Q. Okay. What is that?**

5           **A. It should have been feet per second. The**  
6           **bottom one is 88.665 FPS, feet per second, but**  
7           **again, that should have been miles per hour.**

8           **Q. I see. So if we turn to the next page,**  
9           **Page 22, first of all, there is some handwriting at**  
10          **the bottom it says AR Pro.**

11          **A. Correct.**

12          **Q. What is that?**

13          **A. That is the accident reconstruction program**  
14          **that our department has. I believe it stands for**  
15          **accident reconstruction pro, and that would be the**  
16          **version underneath, 8.10.2.204 and then it was a**  
17          **2013 version that we had been using.**

18          **Q. All right. So that was the most up-to-date**  
19          **version you had?**

20          **A. At the time, yes, sir.**

21          **Q. And then if we go to the top of the page it**  
22          **says average velocity with distance and time. This**  
23          **was printed out from that program?**

24          **A. Correct.**

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1           A. Yes, sir.

2           Q. And what is that to indicate?

3           A. 59 -- well, 59.090 would be a calculation,  
4           and mph would be abbreviation for miles per hour.

5           Q. And beneath that you have 86.665 FPS; is  
6           that correct?

7           A. Yes, sir.

8           Q. And what does that indicate?

9           A. FPS would be an abbreviation for feet per  
10          second, and 88.665 would have been a calculation  
11          would have been probably mislabeled by myself.

12          Q. What's mislabeled?

13          A. It looks like 59.090 should have been feet  
14          per second versus 86.665 should have been labeled  
15          miles per hour.

16          Q. Oh, so looking at this today, you think the  
17          calculation should have been 59.090 feet per second  
18          equates to 86.665 miles per hour, correct?

19          A. That's what it appears to be based on the  
20          AR Pro calculation.

21          Q. Okay. Do you know in your years of police  
22          work when you do accident investigation, do you know  
23          the rule of thumb multiplier between feet per second  
24          and miles per hour?

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1           discussed that, did we not?

2           A.    We did.

3           Q.    And the marks on State Street would be the  
4           across walk as well as the start of the left turn  
5           arrow?

6           A.    Yes, sir.

7           Q.    Any other marks that you used to determine  
8           speed?

9           A.    No, sir.

10          Q.    The estimated speed of both motorcycles  
11         involved was calculated to be 80 to 90 miles an hour  
12         just prior to this impact. That was the result of  
13         your investigation, that opinion, correct?

14          A.    Yes, sir.

15          Q.    And based upon your training and  
16         experience?

17          A.    Yes, sir.

18          Q.    And based upon your use of the AR software  
19         that you had available to you in 2013 in Springfield  
20         Police Department, correct?

21          A.    Yes, sir.

22          Q.    You stand by that estimate, do you not?

23          A.    I do, sir.

24          Q.    Do you believe it to be reasonably based

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1           **You wrote that, correct?**

2           A. I did write that, yes, sir.

3           Q. And as you sit here today -- I'm very  
4           sensitive this was four years ago -- you don't  
5           remember if you used a calculator or did it off the  
6           top of your head or how you came to that?

7           A. I can't recall how I came to that.

8           Q. In your report, still on Exhibit 8, Page  
9           27, and I'm reading from the last sentence in the  
10          second full paragraph on the bottom it says, quote,  
11          the estimated speed of both motorcycles involved was  
12          calculated to be 80 to 90 mph just prior to this  
13          impact. Do you see that?

14          A. Yes, sir.

15          Q. Were you influenced at all by the  
16          eyewitnesses who had the speeds much lower than  
17          that?

18          A. Was I -- I'm sorry, I don't understand the  
19          question, I guess.

20          Q. You took a statement from an eyewitness by  
21          the name of Los, turning now to Page 26, who said 40  
22          miles an hour, correct?

23          A. This is Los.

24          Q. Page 26 of Exhibit 8?

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1 A. Yes.

2 Q. And Los, third line from the bottom of his  
3 statement, he says 40 mph in quotes. Do you see  
4 that?

5 A. I do. Yes.

6 Q. And you also spoke to Mr. Goodman, which is  
7 Page 24, who said 45 to 50. Do you see that?

8 A. Yes, sir.

9 Q. When you wrote up your 80 to 90 on Page 27  
10 in your report, did you take into consideration the  
11 two eyewitnesses who had speeds half of that?

12 A. No, that didn't factor into my estimation.

13 Q. Still staying on Page 27, and I'm three  
14 paragraphs from the bottom where you have bystanders  
15 dragged the operator and the paragraph goes on. Do  
16 you see that?

17 A. Yes, sir.

18 Q. Did you -- do you know who those people  
19 were that dragged the -- according to this report  
20 dragged the operator?

21 A. No, sir I do not.

22 Q. Do you know how you got that information,  
23 the bystanders dragged the operator of the Kawasaki  
24 motorcycle away from the resulting fire?

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1                   MR. BUTLER: Objection.

2                   BY MR. DURNEY:

3                   Q. -- then to covered 130 feet, it has to be  
4                   going faster than 60, right?

5                   A. That would be a fair assumption, yes.

6                   Q. And in any case, even if the motorcycle --  
7                   even if your calculation were somehow wrong, and the  
8                   conclusion that you should have arrived at was that  
9                   the motorcycle was traveling at 60, how would that  
10                  relate to the posted speed on this road on the day  
11                  of the accident?

12                  MR. BUTLER: Improper hypothetical.

13                  THE DEPONENT: If you are saying he was  
14                  doing 60, that would have been double the speed  
15                  limit because the posted speed limit is 30 miles an  
16                  hour.

17                  MR. DURNEY: Those are all the questions I  
18                  have for you today. Thank you.

19                  EXAMINATION

20                  BY MS. MCHUGH:

21                  Q. Do you have Exhibit 8 in front of you?

22                  A. Yes, I do.

23                  Q. If you could look at Page 43 and 44,  
24                  actually I think the last two pages.

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I, AMY J. SPANGLER, Notary Public, do  
hereby certify that Edward N. Hiney appeared before  
me and satisfactorily identified himself on the 28th  
day of September, 2017, at Catuogno Court Reporting,  
One Monarch Place, 6th Floor, 1414 Main Street,  
Springfield, Massachusetts 01144, and was by me duly  
sworn to testify to the truth and nothing but the  
truth as to his knowledge touching and concerning  
the matters in controversy in this cause; that he  
was thereupon examined upon his oath and said  
examination reduced to writing by me; and that the  
statement is a true record of the testimony given by  
the witness, to the best of my knowledge and  
ability.

I further certify that I am not a relative  
or employee of counsel/attorney for any of the  
parties, nor a relative or employee of such parties,  
nor am I financially interested in the outcome of  
the action.

WITNESS MY HAND THIS 11th day of October, 2017.

21

22

23

24

Amy J. Spangler

My Commission expires:

Notary Public

November 25, 2022

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